



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

October 23, 2012

From: Frank M. Duke, AICP, Planning Director

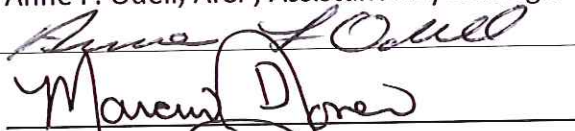
Subject: For the following Special Exceptions by WBG Financial Investments and Capital, LLC By Frank Gadams:

- a. Special Exception to exceed the maximum height requirement in a West Freemason Historic and Cultural Conservation district (HC-WF2) on property located at 221 West Bute Street.
- b. Special Exception for Off-Lot Parking at 215 York Street.

Reviewed: Anne F. Odell, AICP, Assistant City Manager

Ward/Superward: 2/6

Approved:


Marcus D. Jones, City Manager

Item Number:

R-7

- I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** WBG Financial Investments and Capital, LLC By Frank Gadams,;
221 West Bute Street and 215 York Street
- III. **Description**
 - 221 West Bute Street is a 1.2 acres site developed with the 9-Story Wainwright Building that was built in 1925.
 - The applicant is proposing to add a rooftop clubhouse, which will exceed the 35 foot building height restriction in the West Freemason district.
 - The applicant requests a Special Exception to provide Off-Lot Parking at a City parking garage located at 215 York Street.
- IV. **Analysis**
 - The Wainwright Building is located in the West Freemason district which is developed with a mix of commercial and residential uses.
 - The *General Plan* designates this site as Mixed Use, making the proposed Special Exceptions consistent with the *General Plan*.
 - The proposed General Plan, *plaNorfolk2030*, designates this site as Downtown

- No new vehicle trips are anticipated since the proposed conversion of the building from office uses to residential uses represents a reduction in intensity measured by parking as well as traffic generation.
- The HC-WF2 district limits building height to 35 feet; however, a Special Exception may be requested to allow buildings greater than that height.
 - The applicant is proposing a rooftop addition which will require the building to come into compliance by requesting a Special Exception to exceed the 35 foot height limit.
- The applicant proposes to convert the existing building to 119 residential units.
- In the HC-WF2 district one parking space per unit is required and there is insufficient parking on site.
- The Special Exception for Off-Lot Parking in the City garage will accommodate the parking needs.
 - There is adequate parking in the garage to accommodate the required parking.
 - The applicant and the City are negotiating a lease for the use of the spaces in the City garage.
- A Certificate of Appropriateness was issued for the rooftop addition on July 26, 2012.
- The attached conditions ensure compliance with ordinance requirements.

V. Financial Impact

The applicant is current on all taxes.

VI. Environmental

- The reuse of the existing building while maintaining the integrity of the historic architecture should have a positive impact on the neighborhood.
- A letter of support was received from the Freemason Street Area Association.

VII. Community Outreach/Notification

- Legal notice was posted on the property on August 21.
- Letter was mailed to the Freemason Street Area Association President on September 7.
- Notice was sent to the civic leagues by the Department of Communications on September 11.
- Letters were mailed to all property owners within 300 feet of the property on September 11.
- Legal notification was placed in *The Virginian-Pilot* on September 13 and 20.
- The Planning Commission Public Hearing was held on September 27, 2012.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

- By a vote of **7 to 0**, the Planning Commission recommended that the request for the Special Exceptions be **approved**, subject to the conditions outlined in the attached ordinance.

- At the public hearing two citizens spoke in opposition, questioning the appropriateness of the City leasing parking spaces to a private development.

IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinances
- Location Map
- Zoning Map
- Applications
- Letters to Civic Leagues
- Letter of support from the Freemason Street Area Association

Proponents and Opponents

Proponents



Rick Henn
1400 Granby Street, Unit 40C
Norfolk, VA 23510

Opponents

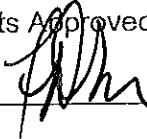
Madeline Stark
419 Duke Street, #1
Norfolk, VA 23510

Joseph Pennington
327 Duke Street
Norfolk, VA 23510

9/26/12 ts

Form and Correctness Approval: By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: By _____
DEPT. _____**ORDINANCE No.**

R-1
AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO
PERMIT GREATER BUILDING HEIGHT ON PROPERTY
LOCATED AT 221 WEST BUTE STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing a building greater than thirty-five feet high on property located at 221 West Bute Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 171 feet, more or less, along the southern line of West Bute Street, and 220 feet, more or less, along the eastern line of Duke Street, property also fronts 64 feet, more or less, along the northern line of West Freemason Street, beginning 82 feet, more or less, from the eastern line of Duke Street and extending eastwardly; premises numbered 221 West Bute Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The building height shall not exceed 120 feet.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were

established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special

exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

9/26/12 ts

Form and Correctness Approval: By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: By _____
DEPT. _____**ORDINANCE No.**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO
PERMIT OFF-LOT PARKING ON PROPERTY LOCATED AT 215
YORK STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing off-lot parking on property located at 215 York Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 180 feet, more or less, along the southern line of York Street, 200 feet, more or less, along the western line of Boush Street, and 176 feet, more or less, along the northern line of West Bute Street; premises numbered 215 York Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The right to use off-lot parking located at 215 York Street shall be maintained with a lease or contract agreement for the duration of any use of the property at 221 West Bute Street.
- (b) A copy of both the lease or contract agreement and this Special Exception shall be maintained by the applicant and kept available on-site at 221 West Bute Street at all times.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in

harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in § 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.



City of Norfolk

APPLICATION SPECIAL EXCEPTION

Special Exception for:

Date of application:

DESCRIPTION OF PROPERTY

Property location: (Street Number) (Street Name)

Existing Use of Property

Current Building Square Footage

Proposed Use

Garage parking agreement between WBG Financial Investment and Capital, LLC and the City of Norfolk, for up to 126 parking spaces in the York Street Garage located at 215 West York Street for the Wainwright building conversion from commercial office building to a residential apartment building.

Proposed Square Footage

Proposed Hours of Operation:

Weekday From To

Friday From To

Saturday From To

Sunday From To

Trade Name of Business (If applicable)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax number ()

E-mail address of applicant:

2. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner () Fax number ()

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Check for \$265.00 made payable to: Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

Application
Special Exception
Page 3

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

Print Sign Date
(Property owner or authorized agent signature)

SIGNED:

WAG Financial Investment + Capital LLC [Signature] 8/13/12
Print Sign Date
(Applicant signature)



Special Exception for: Roof top fitness center, deck patio and dog run

Date of application: August 13, 2012

Property location: (Street Number) 229 (Street Name) West Bute Street

Existing Use of Property Commercial office space being converted to residential apartments

Current Building Square Footage 98,000 SF

Proposed Use
Roof top addition to include a 1,240 SF storefront clad fitness center, 2,012 SF rooftop patio and 1,850 dog run.

Proposed Square Footage 5,102 total

Weekday From To

Friday From To

Saturday From To

Sunday From To

Trade Name of Business (If applicable)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Gadams (First) Frank (MI) T

Mailing address of applicant (Street/P.O. Box): PO Box 11659

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 627-9873 Fax number (757) 627-9875

E-mail address of applicant: Bgadams@marathondevelopmentgroup.com

2. Name of property owner: (Last) WBG Financial Investmt (First) (MI)

Mailing address of property owner (Street/P.O. box): PO Box 11659

(City) Norfolk (State) Virginia (Zip Code) 23517

Daytime telephone number of owner (757) 627-9873 Fax number (757) 627-9875

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Check for \$265.00 made payable to: Norfolk City Treasurer.
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 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

Application
Special Exception
Page 3

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

WAG Fin'l Investment Capital LLC [Signature] 8 / 13 / 0
Print Sign Date
(Property owner or authorized agent signature)

SIGNED:

F. Gaudins [Signature] 8 / 13 / 12
Print Sign Date
(Applicant signature)



September 7, 2012

Jack Kavanaugh
President, Freemason Street Area Association
312 College Place
Norfolk, VA 23510

Dear Mr. Kavanaugh,

The Planning Department has received two applications for Special Exceptions:

- a. To exceed the height requirement in the West Freemason Historic and Cultural Conservation District on property located at 229 West Bute Street.
- b. For Off Lot Parking for the Wainwright Building on property located at 215 West York Street.

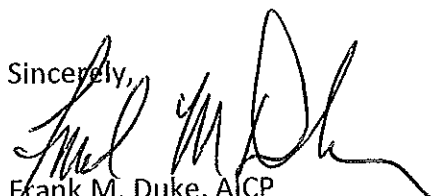
These items are tentatively scheduled for the September 27, 2012 City Planning Commission public hearing.

Summary

The first application would bring the Wainwright building, as it exists today, into compliance and allow a rooftop addition. The second application would allow for 126 parking spaces in the garage located at 215 West York Street to be used for redevelopment of the Wainwright Building.

If you would like additional information on these requests, you may contact the applicant at (757) 627-9873 or you may telephone Susan Pollock on my staff at (757) 664-4765. Copies of the complete applications are enclosed.

Sincerely,



Frank M. Duke, AICP
Planning Director

cc: Onecia Howard, Neighborhood Specialist

Pollock, Susan

From: Duke, Frank
Sent: Monday, October 01, 2012 8:51 AM
To: Pollock, Susan
Subject: FW: Motion to Support Buddy Gadams plan for Wainwright Building(corrected)
Importance: High

The letter of support for Wainwright for the agenda item:

Mr. Frank Duke
Director Planning, City of Norfolk

Dear Frank,

The Board of the Freemason Street Area Association passed the following motion last week:

Motion to Support Buddy Gadams plan for Wainwright Building

A motion was made, seconded and passed with 2 abstentions to support Phase I of the proposal put forth by Buddy Gadams to convert the Wainwright Building to 119 apartments *provided* they enter into a lease with the City for 119 parking spaces in the Bute Street garage for phase 1. . The motion stipulates that approval for Phase II of the proposal put forth by Buddy Gadams to build a free standing structure of 81 apartment homes with off-street parking will require further presentation to the Board pending a more detailed plan.

For the Board

Jack Kavanaugh, President FSAA